

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

AT CHARLESTON

NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES

PLEASE TAKE NOTICE that the Court intends to amend its Local Rules as set out below. The proposed amendments conform the Local Rules to changes made in the computation of time periods by amendments to the Federal Rules of Civil and Criminal Procedure, incorporate General Orders and Standing Orders of the Court into the Local Rules where appropriate, and make a few minor revisions for operational efficiency.

Amendments to the Federal Rules of Appellate, Bankruptcy, Civil and Criminal Procedure, scheduled to take effect December 1, 2009, simplify the computation of time periods under the federal rules by adopting a “days are days” approach. Under the current rules, intermediate weekend days and holidays are omitted when computing most short time periods, but included when computing longer time periods. Under the December 1, 2009, amendments to the federal rules, intermediate weekends and holidays will now be counted regardless of the length of the specified period. To offset this change, many short time periods set by the federal rules have been increased. The federal rule amendments further simplify computation by using multiples of 7 days when feasible so that deadlines will fall on a weekday.

The full text of the December 1, 2009, federal rules amendments can be viewed at <http://www.uscourts.gov/rules/HR1626>. The proposed amendments to this Court’s Local Rules are summarized in the following Table and reflected in the redlined version of the attached materials.

The proposed amendments will take effect on December 1, 2009. Interested parties may submit comments on or before November 17, 2009, to:

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Dated: November 3, 2009

s/Teresa L. Deppner, Clerk

**Summary of Amendments to the Local Rules
United States District Court - Southern District of West Virginia
Effective January 1, 2009**

Local Rule/General Order Number	Change in Local Rule
Judges Page	Locations of Judges Faber and Johnston; addition of Judge Berger.
Table of Contents, pp. i-xii	General page renumbering; new titles of local rules; additions and deletions based upon changes in Local Rules as enumerated in the Summary.
LR Civ P 3.2.	Added and Referral to Reassignment and Referral of Cases ; The Clerk is authorized to sign orders to effectuate the reassignment or referral of cases...
LR Civ P 4.1.	Changed 10 business days to 14 days in line 2; Changed 5 days to 7 days in line 12.
LR Civ P 4.1.2.	Changed 3 days to 7 days in line 5.
LR Civ P 4.1.3.	Changed numerical (1), (2), (3), ..., formatting to (a), (b), (c) formatting.
LR Civ P 5.1.	Changed title Filing of Papers to Filing Pleadings and Other Papers Merged former LR Civ P 5.2 into 5.1 as 5.1(b) and 5.1(c); added definition for Electronic Filing as first paragraph under 5.1(c); changed reference to FR Civ P 5(c) to FR Civ P 5(d)(4).
LR Civ P 5.2.1.	Moved former LR Civ P 11.3 entitled E-Government Act to LR Civ P 5.2.1 to follow FR Civ P 5.2 and changed title to Privacy Protection for Filings Made with the Court and incorporated General Order Addressing Judicial Conference Privacy Policy Regarding Public Access to Electronic Case Files entered April 14, 2003, as (a); and Court's Advisory re: Eliciting Information Concerning Personal Data as (b).
LR Civ P 7.1.	Reformatted former LR Civ P 7.1 for consistency with numerical and alphabetical organizational schema used throughout Local Rules; clarified wording; conformed LR Civ P 7.1 with new computation of time periods under the federal rules using the "days are days" approach and multiples of 7 when feasible; added (1) new guideline on submitting a memorandum of law, response or reply exceeding 20 pages; (2) paper size, line spacing and margins; (3) typeface and type styles.
LR Civ P 9.2.	Reformatted former LR Civ P 9.1 for consistency with numerical and alphabetical organizational schema used throughout Local Rules.

LR Civ P 9.3.	Updated paragraph (b) to reflect 2007 change in federal rules (5.2) regarding access in Social Security cases.
LR Civ P 9.4.	Changed 10 business days to 14 days in paragraph (a), line 6.
LR Civ P 9.7.	Changed “electronic filing is preferred” to “is required.”
LR Civ P. 16.1.	Changed 5 business days to 7 days in second paragraph of section (a), line 4; Changed 5 business days to 7 days in third paragraph of section (a), line 4; Minor formatting change in section (d) for consistency with numerical and alphabetical organizational schema used throughout Local Rules.
LR Civ P 16.2.	Minor formatting change in section (a)(3) for consistency with numerical and alphabetical organizational schema used throughout Local Rules; Changed 3 business days to 7 days in paragraph (b).
LR Civ P 16.6.8.	Changed 5 business days to 7 days, line 3
LR Civ P 16.7.	Changed 3 business days to 7 days in paragraph (b), lines 2 and 3; Changed 5 business days to 7 days in paragraph (b)(11), line 3
LR Civ P 26.1.	Changed 10 days to 14 days in paragraph (b)(3), line 1
LR Civ P 26.2.	Deleted reference to FR Civ P 26(a)(5) because this rule had been deleted as redundant in 2007 federal rule changes; Minor formatting change in section (c)(4) for consistency with numerical and alphabetical organizational schema used throughout Local Rules
LR Civ P 26.4.	Added “filed electronically pursuant to the Administrative Procedures for Electronic Case Filing and” to paragraph (2)
LR Civ P 47.1.	Updated paragraph (b) to reflect last revision of Jury Plan on February 25, 2009
LR Civ P 51.1.	Changed 3 business days to 7 days, line 1
LR Civ P 52.1.	Changed 7 business days to 14 days, line 1
LR Civ P 54.1.	Changed 10 days to 14 days in paragraph 3, line 2
LR Civ P 71.1.	Changed numbering of rule from LR Civ P 71A to 71.1
LR Civ P 77.2.	Changed county alignment pursuant to Order Amending Local Rule of Civil Procedure 77.2 and Local Rule of Criminal Procedure 18.2 Due to the Realignment of Raleigh and Fayette Counties entered January 1, 2008 - Fayette County moved from the Beckley Division to the Charleston Division; Putnam County moved from the Charleston Division to the Huntington Division.

LR Civ P 77.3	Eliminated the federal criminal rule reference in the civil rule.
LR Civ P 79.1.	Clarified procedure for custody and disposition of exhibits to match actual practices.
LR Civ P 83.6.	Changed 15 days written notice to 14 days written notice in paragraph (a), line 17; Changed 20 days to 21 days in paragraph (e), line 4.
LR Civ P 83.15.	Added new rule entitled Courthouse Security to incorporate Order re: The Possession of Weapons entered March 31, 2009, and Standing Order re: Wireless Communication Devices entered December 30, 2005, and other Courthouse Security practices for entry of Federal Courthouse Buildings.
LR Cr P 5.1.	Minor formatting change for consistency with numerical and alphabetical organizational schema used throughout Local Rules: changed former LR Cr P 5.1.2 to LR Cr P 5.1(b); incorporated Standing Order re: Standard Terms and Conditions for Release on Bond entered February 4, 1997 as LR Cr P 5.1(c); changed former LR Cr P 5.1.3 to LR Cr P 5.1(d).
LR Cr P 7.2.	Added and Referral to Reassignment and Referral of Cases ; The Clerk is authorized to sign orders to reassign or refer cases when needed and as directed by a judge of this court.
LR Cr 12.1.	Changed 20 days to 31 days in LR Cr 12.1(a); Changed 5 days to 7 days in LR Cr 12.1(e).
LR Cr P 16.1.	Changed 10 days to 14 days in paragraphs (c) and (d).
LR Cr 18.2.	Changed county alignment pursuant to Order Amending Local Rule of Civil Procedure 77.2 and Local Rule of Criminal Procedure 18.2 Due to the Realignment of Raleigh and Fayette Counties entered January 1, 2008 - Fayette County moved from the Beckley Division to the Charleston Division; Putnam County moved from the Charleston Division to the Huntington Division.
LR Cr P 32.2.	Incorporated Standing Order for the Electronic Filing of Presentence Reports and Objections to the Presentence Reports under Seal Via CM/ECF and Disclosure of Presentence Reports entered June 22, 2007 as 2 nd paragraph in section (a); Incorporated the Standing Order re: The Statement of Reasons for Use in Reporting Sentencing Decisions entered December 22, 2005, as paragraph (b); changed former paragraph (b) to (c).
LR Cr 32.3.	Added the Standing Order for Adoption of Standard Conditions of Probation and Supervised Release in All Criminal Cases entered June 22, 2007, as LR Cr P 32.3.

LR Cr 32.4.	Added the Standing Order for Adoption of Standard and Optional Conditions of Probation and Supervised Release in All Sex Offense Cases entered March 19, 2009, as LR Cr P 32.4.
LR Cr 32.1.1.	Changed former LR Cr P 32.3 to LR Cr P 32.1.1 to match FR Cr P 32.1, Revoking or Modifying Probation or Supervised Release.
LR Cr P 44.6.	Changed 15 days written notice to 14 days written notice in paragraph (a), line 17 Changed 20 days to 21 days in paragraph (e), line 4
LR Cr P 49.1.1.	Moved former LR Civ P 49.3 entitled E-Government Act to LR Cr P 49.1.1 to follow FR Cr P 49.1 and changed title to Privacy Protection for Filings Made with the Court and incorporated General Order Addressing Judicial Conference Privacy Policy Regarding Public Access to Electronic Case Files entered April 14, 2003, as (a); and Court's Advisory re: Eliciting Information Concerning Personal Data as (b).
LR Cr P 55.1.	Clarified procedure for custody and disposition of exhibits to match actual practices.
LR Cr P 57.1.	Added new rule entitled Courthouse Security to incorporate Order re: The Possession of Weapons entered March 31, 2009, and Standing Order re: Wireless Communication Devices entered December 30, 2005, and other Courthouse Security practices for entry of Federal Courthouse Buildings.